

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT RUSSELL SPENCE, JR.,

Plaintiff,

vs.

CHRISTOPHER BALCHON,  
Special Agent of D.E.A.; HERBERT  
STROBEL, Task Force Officer of  
D.E.A.; DRUG ENFORCEMENT  
ADMINISTRATION,

Defendants,

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) Judge David Stewart Cercone  
) Magistrate Judge Lisa Pupo Lenihan  
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) ECF No. 31  
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**MEMORANDUM ORDER**

Plaintiff initiated this *pro se* civil rights action on March 29, 2016, and the Complaint was docketed on April 12, 2016. (ECF No. 4.) The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 43), filed on April 11, 2019, recommended that the Motion to Dismiss (ECF No. 31) filed by Defendants Christopher Balchon, Herbert Strobel, and the Drug Enforcement Agency, be granted. Service was made on Plaintiff via first class mail to his address of record. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections, and that unregistered ECF users were given an additional three (3) days pursuant to Federal Rule of Civil Procedure 6(d). No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 31<sup>st</sup> day of May, 2019,

**IT IS HEREBY ORDERED** that the Motion to Dismiss (ECF No. 31) filed by Defendants Christopher Balchon, Herbert Strobel, and the Drug Enforcement Agency is **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 43) of Magistrate Judge Lenihan, dated April 11, 2019, is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the clerk shall mark this case **CLOSED**.



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David Stewart Cercone  
Senior United States District Judge

cc: Robert Russell Spence, Jr.  
Register #31366-068  
FCI Berlin  
PO Box 6000  
Florence, CO 81226  
(Via First Class Mail)

Jill Locnikar, Esquire  
(Via CM/ECF Electronic Mail)